



## Memphis City Council Summary Sheet

Resolution to extend the Site Lease Agreement between City of Memphis and  
City recycling contractor FCR Tennessee

- This item is a resolution to extend the lease between the City of Memphis and FCR Tennessee six years to correspond with the extended term of the Recycling Customer Agreement.
- The Division of Public Works is submitting this resolution in accordance with City Ordinance No. 5346 , requiring all lease agreements of two years or more involving real property to be submitted for approval by City Council.
- No change in an ordinance or resolution necessary.
- The lease extension does not require a new contract or amendment to an existing contract.
- No contracts, expenditure of funds, or budget amendments are required

## **RESOLUTION**

**WHEREAS**, City of Memphis Ordinance No. 5346 relating to Real Property provides language and processes for the disposition of City of Memphis properties through sale, exchange or transfer; and

**WHEREAS**, it is clear and concise per said language that City of Memphis Ordinance No. 5346 relates to the disposition of real property belonging to the City of Memphis; and

**WHEREAS**, for the purposes of Ordinance No. 5346 relating to Real Property any lease or license agreement two (2) years or more shall be considered a conveyance and shall be submitted to City Council for approval; and

**WHEREAS**, for the purposes of Ordinance No. 5346 any extensions or renewals bringing the total term to two (2) years or more shall be included as a conveyance; and

**WHEREAS**, in the context of leases, a new lease that is merely a reexecution of the old lease, and does not confer any greater obligations or rights than those in the old lease, said transaction is a renewal of the old lease; and

**WHEREAS**, the Division of Public Works of the City of Memphis leases and / or sub-leases City of Memphis property that may be subject to City of Memphis Ordinance No. 5346 relating to Real Property; and

**WHEREAS**, the Division of Public Works of the City of Memphis shall submit its leases and / or sub-leases to the City Council of Memphis City for approval; and

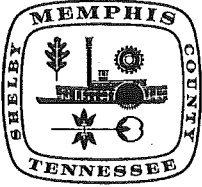
**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MEMPHIS, TENNESSEE, that:**

1. The Site Lease Agreement between the City of Memphis ("Lessor") and FCR Tennessee ("Lessee") is hereby extended according to the terms of Article III, Section 3.01 (a) in the Site Lease Agreement and Article VII, Section 7.1 in the Recycling Customer Agreement at the rental rate of \$1.00 per annum.

2. The Term of the Site Lease Agreement between the City of Memphis and FCR Tennessee shall expire August 26, 2022, with the City having the option to renew the lease annually for four (4) one year additional periods.

3. This Agreement shall be governed by, and construed in accordance with, the laws of the State of Tennessee.

4. **BE IT FURTHER RESOLVED**, that the City Mayor is hereby authorized to execute all documents necessary to lease the subject property for the term therein specified.



**Memphis City Council  
Summary Sheet  
Flood Control Emergency Generators**

1. This item is to provide 2 emergency generators for electrical power to Flood Control pumping stations in the event of loss of service from MLG&W.
2. This item is being submitted by Public Works (Environmental Engineering)
3. This item does not change an existing ordinance or resolution.
4. This item does require a new contract.
5. This item requires an expenditure of funds.

## RESOLUTION

**WHEREAS**, the Council of the City of Memphis approved Flood Control-ST, project number ST03059, as part of the Public Works Fiscal Year 2012 Capital Improvement Budget; and

**WHEREAS**, bids were taken on October 14, 2011 for two 1500 kilowatt trailer mounted generators sets with the best complying bid of five bids being \$900,070.00 submitted by Cummins Mid-South; and

**WHEREAS**, it is necessary to transfer a construction allocation of \$900,070.00 funded by G.O. Bonds – General (Storm Water) from Flood Control-ST, project number ST03059, to an equipment allocation in Flood Control Emergency Generators, project number ST03144 for two 1500 kilowatt trailer mounted generator sets; and

**WHEREAS**, it is necessary to appropriate \$900,070.00 funded by G.O. Bonds – General (Storm Water) in Flood Control Emergency Generators, project number ST03144, as follows:

Contract Amount	\$900,070.00
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**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that the Fiscal Year 2012 Capital Improvement Budget be and is hereby amended by transferring a construction allocation of \$900,070.00 funded by G.O. Bonds – General (Storm Water) from Flood Control-ST, project number ST03059 to an equipment allocation in Flood Control Emergency Generators, project number ST03144, for two 1500 kilowatt trailer mounted generators sets .

**BE IT FURTHER RESOLVED**, that there be and is hereby appropriated the sum of \$900,070.00 funded by G.O. Bonds – General (Storm Water) chargeable to the FY 2012 Capital Improvement Budget and credited as follows:

<b>Project Title</b>	<b>Flood Control Emergency Generators</b>
<b>Project Number</b>	<b>ST03144</b>
<b>Amount</b>	<b>\$900,070.00</b>

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND CHAPTER 7 – CENTER CITY AREA, ARTICLE IV, COMMON MALL AREA, OF THE CODE OF ORDINANCES, CITY OF MEMPHIS**

**WHEREAS**, the City of Memphis in partnership with the Downtown Memphis Commission strives to encourage growth and development in the downtown area – the economic, cultural, and governmental heart of Memphis and Shelby County – and is charged with integrating the economic, physical, and environmental needs of businesses and residents in the area; and

**WHEREAS**, the current code prohibits manually propelled vehicles such as bicycles and pedicabs from operating on the Main Street Mall, which is contrary to the inviting, bicycle and pedestrian friendly environment envisioned for the downtown core and Main Street Mall; and

**WHEREAS**, to allow and encourage use of different modes of non-motorized transportation in the downtown area, the Memphis City Council wishes to lift the antiquated prohibition of manually propelled vehicles in the common mall area.

**NOW, THEREFORE,**

**SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS**, That the current Chapter 7 – Center City Area – Section 7-84. Regulation of vehicles. (b) and (c), of the Code of Ordinances, City of Memphis, is hereby amended to read as follows:

**Sec. 7–84. Regulation of vehicles.**

(b) Except as otherwise provided in this section, the common mall area shall be designated as a tow-away zone and any illegally parked vehicles thereon shall be subject to the provisions of Section 21-137 of this code.

(c) Manually propelled vehicles such as bicycles, skateboards, etc. and non-motorized wheeled vehicles such as pedi-cabs shall be allowed on the common mall area without a permit and are subject to the following rules of operation:

1. When operating a bicycle, skateboard, or other manually propelled vehicle or non-motorized wheeled vehicle on the common mall area, such person shall yield the right-of-way to any pedestrian or trolley
2. Any operator of a bicycle, skateboard, or other manually propelled vehicle or non-motorized wheeled vehicle shall give an audible signal before overtaking and passing any pedestrian. The audible signal shall be given verbally or via a bell, and shall not be given via a whistle or siren
3. No person shall park a bicycle or non-motorized wheeled vehicle upon the common mall area in such a manner as to obstruct pedestrian or trolley traffic.

**SECTION 2. BE IT FURTHER ORDAINED,** that the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts is held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

**SECTION 3. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS,** that this ordinance shall take effect on the later of after it is passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the comptroller and become effective as otherwise provided by law.

SHEA FLINN  
Council Member

MYRON LOWERY  
Council Chairman

Attest:

Patrice Thomas, Comptroller



## Memphis City Council Summary Sheet

- Resolution to appropriate \$580,000.00 for CIP Project IS01072, Radio Banding which was approved by City Council in the FY2012 CIP Budget.
  - \$400,000.00 of this project will fund the process of making the City of Memphis compliant with the Federal Communications Commission's mandate to replace wide-band communication equipment with narrow band equipment. This is a national mandate which the City must be in compliance no later than December 31, 2012 or face possible fines of \$10,000.00 per day.
  - The remaining \$180,000.00 of this project, in accordance with a Federal Communications Commission's order to minimize harmful interference to public safety radio communications system, will fund the reconfiguration of the 800MHz frequency band where City of Memphis radios are on said frequency. The City of Memphis entered into an agreement with Sprint/Nextel for the provision of complying with the Federal Communications Commission's order. Pursuant to the mandate, Sprint Nextel will reimburse the costs associated with the reconfiguration.
- The Division of Information Service is requesting this action.
- There is no change to an existing ordinance or resolution.
- This item requires the appropriation of \$400,000 in General Obligation Bonds chargeable to the FY2012 Capital Improvement Budget and \$180,000.00 in Local Other CIP funds..

## **RESOLUTION**

**WHEREAS**, the Fiscal Year 2012 Capital Improvement Budget approved by the City Council did include the CIP project number IS01072, Radio Banding; and

**WHEREAS**, Information Services has a project to replace wide-band communications narrow band equipment and reconfigure 800 MHz frequency; and

**WHEREAS**, it is necessary to appropriate \$400,000.00 in G. O. Bonds general and \$180,000.00 in Local Other CIP funds in CIP Project IS01072, Radio Banding.

**NOW THEREFORE BE IT RESOLVED** by the Council of the City of Memphis that there be and is hereby appropriated \$400,000.00 in General Obligation Bonds chargeable to the FY2011 Capital Improvement Budget and \$180,000.00 in Local Other CIP funds, and credited as follows:

**Project Title: Radio Banding**

**CIP Project Number: IS01072**

**Amount: \$400,000.00            G. O. Bonds General**

**Amount: \$180,000.00            Local Other CIP**



## Memphis City Council Summary Sheet

- Resolution to appropriate \$1,500,000.00 for CIP Project IS01061, Oracle Release 12 Upgrade, which was approved by City Council in the FY2012 CIP Budget. This project provides funds to upgrade the City's Oracle application to release 12, the most recent release of this application. Oracle is used by all City Divisions and is especially critical in the Finance and Human Resources Divisions. The upgrade will allow the use of enhanced functionality. Falling behind in the upgrade schedule could have a severe negative impact on operating costs. Lack of premier customer support would result in greater expenses when technical services are needed.
- The Division of Information Service is requesting this action.
- There is no change to an existing ordinance or resolution.
- This item requires the appropriation of \$1,500,000.00 in General Obligation Bonds chargeable to the FY2012 Capital Improvement Budget.

## **RESOLUTION**

**WHEREAS**, the Fiscal Year 2012 Capital Improvement Budget approved by the City Council did include the CIP project number IS01061, Oracle Release 12 Upgrade; and

**WHEREAS**, Information Services has a project to upgrade the City's Oracle application to release 12, the most recent release of this application. This upgrade will allow the use of enhanced functionality within Oracle; and

**WHEREAS**, it is necessary to appropriate \$1,500,000.00 in G. O. Bonds general in CIP Project IS01061, Oracle Release 12 Upgrade.

**NOW THEREFORE BE IT RESOLVED** by the Council of the City of Memphis that there be and is hereby appropriated \$1,500,000.00 in General Obligation Bonds chargeable to the FY2012 Capital Improvement Budget and credited as follows:

**Project Title: Oracle Release 12 Upgrade**

**CIP Project Number: IS01061**

**Amount: \$1,500,000.00      G. O. Bonds General**



## Memphis City Council Summary Sheet

- Resolution to appropriate \$2,859,588.00 for CIP Project IS01053, Treasury System Upgrade, which was approved by City Council in the FY2012 CIP Budget. This project provides funds to implement a state of the art Treasury System, replacing the legacy Treasury System. The new system will accommodate new functionality requirements and automate seamlessly with Oracle General Ledger. The Treasury System project consists of three modules – Tax, Permits, and Alarms.
- The Division of Information Service is requesting this action.
- There is no change to an existing ordinance or resolution.
- This item requires the appropriation of \$2,859,588.00 in General Obligation Bonds chargeable to the FY2012 Capital Improvement Budget.

## **RESOLUTION**

**WHEREAS**, the Fiscal Year 2012 Capital Improvement Budget approved by the City Council did include the CIP project number IS01053, Treasury System Upgrade; and

**WHEREAS**, Information Services has a project to implement a state of the art Treasury System to replace the legacy Treasury System. This new system will accommodate new functionality requirements and automate seamlessly with Oracle General Ledger; and

**WHEREAS**, it is necessary to appropriate \$2,859,588.00 in G. O. Bonds general in CIP Project IS01053, Treasury System Upgrade.

**NOW THEREFORE BE IT RESOLVED** by the Council of the City of Memphis that there be and is hereby appropriated \$2,859,588.00 in General Obligation Bonds chargeable to the FY2012 Capital Improvement Budget and credited as follows:

**Project Title: Treasury System Upgrade**

**CIP Project Number: IS01053**

**Amount: \$2,859,588.00      G. O. Bonds General**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND CHAPTER 5 – ANIMALS AND FOWL, ARTICLE III.5, DANGEROUS / VIOUS ANIMAL, OF THE CODE OF ORDINANCES, CITY OF MEMPHIS**

**WHEREAS**, the Memphis City Council desires to protect the health and safety of the citizens and pets of Memphis, encourage animal adoptions, and decrease the number of animals that are abused and abandoned; and

**WHEREAS**, the current code provides for the adoption of dogs and cats; the City of Memphis desires to amend the ordinance to allow for the care and adoption of other animals which become the property of the city animal shelter.

**NOW, THEREFORE,**

**SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS**, That the current Chapter 5 – Animals and Fowl – Section 5-62. Adoption of Dogs and Cats., of the Code of Ordinances, City of Memphis, is hereby amended to read as follows:

**Section 5-62. Adoption of Animals.**

Once an animal becomes the property of the city animal shelter either by gift, donation, abandonment or any other voluntary conveyance or as a result of pickup by the animal shelter or any other person or entity after the animal has been found running at large in violation of this chapter and as provided for in Section 5-61, may be adopted in accordance with the terms of the adoption contract (supplied by the shelter) and upon payment of an adoption/sterilization fee, licensing fee and fees for any other service supplied but the city animal shelter in connection with such animal. Each unaltered dog and/or cat may be sterilized by the shelter veterinarian or representative prior to leaving the shelter. Any individual taking an unaltered dog or cat from the shelter must comply with applicable ordinances and policies relating to unsterilized animals. If it is determined that a former owner of an animal is applying for adoption, such former owner may gain ownership or possession only by payment of redemption fees set forth in Section 5-61.

**SECTION 2. BE IT FURTHER ORDAINED**, that the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts is held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

**SECTION 3. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS**, that this ordinance shall take effect on the later of after it is passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the comptroller and become effective as otherwise provided by law.

SHEA FLINN  
Council Member

MYRON LOWERY  
Council Chairman

Attest:

Patrice Thomas, Comptroller

**Sec. 8-16-8 - Adoption of ~~dogs and cats~~ animals.**

Once an animal ~~dog or cat~~ becomes the property of the city animal shelter either by gift, donation, abandonment or any other voluntary conveyance or as a result of pickup by the animal shelter or any other person or entity after the animal has been found running at large in violation of this chapter and as provided for in Section 8-16-7, ~~a dog or cat~~ may be adopted in accordance with the terms of the adoption contract (supplied by the shelter) and upon payment of an adoption/sterilization fee, licensing fee and fees for any other service supplied but the city animal shelter in connection with such ~~dog or cat~~ animal. Each unaltered dog and/or cat ~~will~~ may be sterilized by the shelter veterinarian or representative prior to leaving the shelter. Any individual taking an unaltered dog or cat from the shelter must comply with applicable ordinances and policies relating to unsterelized animals. If it is determined that a former owner of an animal is applying for adoption, such former owner may gain ownership or possession only by payment of redemption fees set forth in Section 8-16-7.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND CHAPTER 5 – ANIMALS AND FOWL, ARTICLE III.5, DANGEROUS / VICIOUS ANIMAL, OF THE CODE OF ORDINANCES, CITY OF MEMPHIS**

**WHEREAS**, the Memphis City Council desires to protect the health and safety of the citizens and pets of Memphis from the dangers of vicious animals, animal cruelty, and decrease the number of animals that are abused and abandoned; and

**WHEREAS**, after an animal has attacked, the current code allows an animal control officer to make a determination on whether or not the animal should be declared dangerous / vicious; and

**WHEREAS**, should an animal be declared dangerous / vicious, the owner or responsible party shall be summoned to court for a hearing on the matter; the owner may appeal the dangerous / vicious declaration, during which time the animal will be housed at the animal shelter for observation and safekeeping; and

**WHEREAS**, the City of Memphis shall require the owner of the animal to pay a kennel fee in advance for the care of such an animal at the animal shelter during the running of any appeal time.

**NOW, THEREFORE,**

**SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS**, That the current subsection (a) of Chapter 5 – Animals and Fowl – Section 5-65. Determination of Dangerous / Vicious Dog or Animal., of the Code of Ordinances, City of Memphis, is hereby amended to read as follows:

**Section 5-65. Determination of Dangerous / Vicious Dog or Animal.**

- (a) After an animal control officer has initially determined that a dog should be classified as dangerous/vicious and notification has been sent to the owner or other responsible party, unless a petition has been filed with the Shelby County District Attorney, pursuant to T.C.A. Section 44-17-120, a mandatory ordinance summons shall be obtained by the animal control officer against the owner or other responsible party citing the code section violated, setting a date to appear in city court, court of general sessions, or a court of competent jurisdiction for a determination. If the animal shelter administrator obtains a summons under this code section, then during such time the administrator shall have authority to retain the animal for observation of rabies and safekeeping of the animal shelter. Any decision of the court shall be final, subject to appeal to a higher court of competent jurisdiction. During the running of any appeal time, the animal shelter administrator shall have authority to continue to retain the animal for

observation of rabies and safekeeping of the animal shelter. The owner is required to pay fifteen dollars (\$15) per day as a boarding fee for the dog for each day or fraction thereof the dog remains unclaimed, awaiting hearing, or retained by administrator. After the initial payment the owner must pay the charge in advance, keeping the account ahead. The owner must initially pay for at least thirty (30) days of care and payments must be made in advance until the Court authorizes the release of the animal. The initial payment shall be within ten (10) days of the shelter taking possession of the animal. If the boarding fee is not paid as required to this section, the animal shall be deemed forfeited. At the owner's request and expense, the animal may be kept at a licensed veterinary clinic upon written statement from the veterinary clinic to the animal shelter administrator that the animal will be boarded in a private, licensed veterinary clinic and the posting of a bond with the administrator in the amount of two thousand dollars (\$2,000.00) to insure compliance pending any and all court appearances.

**SECTION 2. BE IT FURTHER ORDAINED,** that the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts is held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

**SECTION 3. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS,** that this ordinance shall take effect on the later of after it is passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the comptroller and become effective as otherwise provided by law.

SHEA FLINN  
Council Member

MYRON LOWERY  
Council Chairman

Attest:

Patrice Thomas, Comptroller

**Sec. 8-20-2 - Determination of dangerous/vicious dog or animal.**

A. After an animal control officer has initially determined that a dog should be classified as dangerous/vicious and notification has been sent to the owner or other responsible party, unless a petition has been filed with the Shelby County District Attorney, pursuant to T.C.A. Section 44-17-120, a mandatory ordinance summons shall be obtained by the animal control officer against the owner or other responsible party citing the code section violated, setting a date to appear in city court, court of general sessions, or a court of competent jurisdiction for a determination. If the animal shelter administrator obtains a summons under this code section, then during such time the administrator shall have authority to retain the animal for observation of rabies and safekeeping of the animal shelter. ~~The owner is required to post a bond in the amount of two thousand dollars (\$2,000.00) to ensure payment of all accumulated kennel boarding fees and other fees during this process.~~ Any decision of the court shall be final, subject to appeal to a higher court of competent jurisdiction. During the running of any appeal time, the animal shelter administrator shall have authority to continue to retain the animal for observation of rabies and safekeeping of the animal shelter. The owner is required to pay fifteen dollars (\$15) per day as a boarding fee for the dog for each day or fraction thereof the dog remains unclaimed, awaiting hearing, or retained by administrator. After the initial payment the owner must pay the charge in advance, keeping the account ahead. The owner must initially pay for at least thirty (30) days of care and payments must be made in advance until the Court authorizes the release of the animal. The initial payment shall be within ten (10) days of the shelter taking possession of the animal. If the boarding fee is not paid as required to this section, the animal shall be deemed forfeited. At the owner's request and expense, the animal may be kept at a licensed veterinary clinic upon written statement from the veterinary clinic to the animal shelter administrator that the animal will be boarded in a private, licensed veterinary clinic and the posting of a bond with the administrator in the amount of two thousand dollars (\$2,000.00) to insure compliance pending any and all court appearances.

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B. Failure of an owner to respond to the ordinance summons shall result in the animal being automatically declared a dangerous/vicious animal and owner has waived all rights to a hearing, and will result in the animal's ownership being relinquished to the animal shelter. At this time notice shall be given as in civil cases, that if the owner does not appear before the court within five days of receipt thereof and show cause why the dog should not be destroyed then the order shall be issued and the dog shall be destroyed.

(Ord. 5214 § 16, 9-7-07; Ord. 4954 § 1, 8-6-02; Code 1985 § 5-65)

## CITY COUNCIL RESOLUTION

**WHEREAS**, in an effort to ensure the City of Memphis employee pension plan meets its obligations to current and future retirees, the administration has studied and presented several benefit changes to the Memphis City Council for consideration; if no changes are made to the current pension plan, our current unfunded liability will grow from \$531Million at the end of FY 2010 to an unfunded gap of \$3Billion in the year 2040; and

**WHEREAS**, whether the changes are adopted or not, the City of Memphis is responsible to the obligations of its pension system; and

**WHEREAS**, each year the City's actuaries determine the necessary contribution to the pension plan; by ordinance, the Council shall appropriate annually amounts necessary to make such payments - employee contributions are mandated to be 8% of salary for plan participants who are not police officers and firefighter and 6.25 or 6.5% for police officers and firefighters; the City contribution is to be a minimum of 5% covered payroll; and

**WHEREAS**, in recent years the City has fallen short of making its necessary contribution to the pension plan:  
The schedule of employer contributions (thousands of dollars) for the six years ended June 30, 2010 is as follows:

<b>Year Ended June 30</b>	<b>Annual Required Contribution</b>	<b>Percentage / \$ Amount Contributed</b>	<b>Difference</b>
2005	2,695	513.7% / \$13,884	\$ 11,189
2006	11,893	117.6 / \$13,986	\$ 2,093
2007	22,674	61.9 / \$14,035	\$- 8,639
2008	24,072	60.6 / \$14,587	\$- 9,485
2009	21,208	76.3 / \$16,181	\$- 5,027
2010	71,447	24.4 / \$17,433	\$-54,014

**NOW, THEREFORE BE IT RESOLVED**, by the Memphis City Council, that we are committed to meet the obligations to current and future retirees and under-funding the plan is unacceptable, and as such, that the actuarially determined necessary contribution to the City of Memphis Pension Plan shall be made each fiscal year and that if reasonable benefit modifications are not made to cover the shortfall, the Council resolves to commit the revenue to fund the necessary contribution to the pension plan shall be raised by any means available to the Council, including, but not limited to, budget cuts and increases of taxes and fees.

KEMP CONRAD  
Memphis City Council